

2003 DRAFTING REQUEST**Bill**Received: **03/21/2003**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters: **phurley**Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Underheim@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of chiropractors

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	chanaman 03/21/2003 mkunkel 03/21/2003	wjackson 03/21/2003	chaugen 03/21/2003 chaugen 03/21/2003				State

05/07/2003 08:36:33 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mkunkel 03/21/2003 mkunkel 03/26/2003	wjackson 03/21/2003 wjackson 03/26/2003	chaskett 03/21/2003	_____	amentkow 03/21/2003		State
/2			pgreensl 03/26/2003	_____	amentkow 03/26/2003		State
/3	mkunkel 03/28/2003	wjackson 03/28/2003	chaskett 03/28/2003	_____	amentkow 03/28/2003		State
/4	mkunkel 03/31/2003	wjackson 03/31/2003	jfrantze 03/31/2003	_____	lemery 03/31/2003		State
/5	mkunkel 05/06/2003	wjackson 05/06/2003	chaskett 05/06/2003	_____	lemery 05/06/2003	sbasford 05/07/2003 sbasford 05/07/2003	

<END>

FE Sent For:

05-16-2003
(11/5)

Per
Marne

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/2			pgreensl 03/26/2003	_____	amentkow 03/26/2003		State
/3	mkunkel 03/28/2003	wjackson 03/28/2003	chaskett 03/28/2003	_____	amentkow 03/28/2003		State
/4	mkunkel 03/31/2003	wjackson 03/31/2003	jfrantze 03/31/2003	_____	lemery 03/31/2003		State
/5	mkunkel 05/06/2003	wjackson 05/06/2003	chaskett 05/06/2003	_____	lemery 05/06/2003		

FE Sent For:

<END>

03/31/2003 11:28:31 AM

Page 1

2003 DRAFTING REQUEST**Bill**

Received: 03/21/2003

Wanted: As time permits

For: ~~Steven Foti~~ (608) 266-2401

This file may be shown to any legislator: NO

May Contact:

Subject: Occupational Reg. - misc

Submit via email: YES

Requester's email: Rep.Foti@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of chiropractors

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?			1/5 ^{cph} WJ	cph/pg 5/6			State
/P1	chanaman 03/21/2003 mkunkel 03/21/2003	wjackson 03/21/2003 5 WJ 5/6	chaugen 03/21/2003 chaugen 03/21/2003				State

PA: - change request
to Rep.
Underheim.
-MOT

Received By: mkunkel

Identical to LRB:

By/Representing: Adam Raschka

Drafter: mkunkel

Addl. Drafters: phurley

Extra Copies:

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/2			pgreensl 03/26/2003	_____	amentkow 03/26/2003		State
/3	mkunkel 03/28/2003	wjackson 03/28/2003	chaskett 03/28/2003	_____	amentkow 03/28/2003		State
/4	mkunkel 03/31/2003	wjackson 03/31/2003	jfrantze 03/31/2003	_____	lemery 03/31/2003		

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<END>

2003 DRAFTING REQUEST**Bill**Received: **03/21/2003**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**By/Representing: **Adam Raschka**This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters: **phurley**Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Foti@legis.state.wi.us**

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14 Wlj 3/31

6/3/31 3/31

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/3	mkunkel 03/28/2003	wjackson 03/28/2003	chaskett 03/28/2003	_____	amentkow 03/28/2003		

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By/Representing: Adam Raschka

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Subject: Occupational Reg. - misc

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	mkunkel 03/26/2003	wjackson 03/26/2003		_____			
/2		13 WLj 3/28	pgreensl 03/26/2003	_____	amentkow 03/26/2003		

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2/26/03
18

2/26/03
P8/92

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/1	mkunkel 03/21/2003	wjackson 03/21/2003	chaskett 03/21/2003	_____	amentkow 03/21/2003		

/2 WLj 3/26

FE Sent For:

<END>

Bill

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Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-1423.1	15.165 (5) (a) 7. of the statutes is amended to read:
-1423.2	15.405 (7m) of the statutes is amended to read:
-1423.3	15.407 (1m) of the statutes is amended to read:
-1423.4	15.915 (2) (b) of the statutes is amended to read:
-1423.5	16.009 (1) (h) of the statutes is repealed.
-1423.6	20.927 (1m) of the statutes is amended to read:
-1423.7	29.193 (3) (a) of the statutes is amended to read:
-1423.8	30.67 (6) (b) of the statutes is amended to read:
-1423.9	46.21 (2) (m) of the statutes is amended to read:
-1423.10	46.245 of the statutes is amended to read:
-1423.11	46.27 (1) (bg) of the statutes is created to read:
-1423.12	46.297 (2) (a) of the statutes is amended to read:
-1423.13	46.298 of the statutes is amended to read:
-1423.14	46.87 (5) (a) 1. of the statutes is amended to read:
-1423.15	48.02 (14k) of the statutes is created to read:
-1423.16	49.26 (1) (g) 11. of the statutes is amended to read:
-1423.17	49.43 (9) of the statutes is amended to read:
-1423.18	50.01 (4p) of the statutes is created to read:
-1423.19	50.09 (1) (a) (intro.) of the statutes is amended to read:
-1423.20	50.36 (3g) (c) of the statutes is amended to read:
-1423.21	50.49 (1) (d) of the statutes is created to read:
-1423.22	50.90 (3) of the statutes is amended to read:
-1423.23	51.01 (13m) of the statutes is created to read:
-1423.24	55.043 (1) (b) (intro.) of the statutes is amended to read:
-1423.25	59.53 (13) (a) of the statutes is amended to read:
-1423.26	66.0601 (1) (b) of the statutes is amended to read:
-1423.27	69.01 (17m) of the statutes is created to read:
-1423.28	77.51 (10m) of the statutes is created to read:
-1423.29	95.21 (1) (dm) of the statutes is created to read:
-1423.30	100.43 (3) (c) of the statutes is amended to read:

-1423.31	101.01 (10m) of the statutes is created to read:
-1423.32	106.50 (2r) (bm) 2. of the statutes is amended to read:
-1423.33	115.53 (4) (a) of the statutes is amended to read:
-1423.34	118.29 (1) (e) of the statutes is amended to read:
-1423.35	146.0255 (2) of the statutes is amended to read:
-1423.36	146.17 of the statutes is amended to read:
-1423.37	146.31 (1) of the statutes is renumbered 146.31 (1r).
-1423.38	146.31 (1g) of the statutes is created to read:
-1423.39	146.55 (1) (fm) of the statutes is created to read:
-1423.40	146.89 (1) of the statutes is amended to read:
-1423.41	155.01 (9m) of the statutes is created to read:
-1423.42	155.05 (2) of the statutes is amended to read:
-1423.43	157.05 of the statutes is amended to read:
-1423.44	157.06 (1) (h) of the statutes is amended to read:
-1423.45	165.765 (2) (a) of the statutes is amended to read:
-1423.46	185.983 (1) of the statutes is renumbered 185.983 (1r).
-1423.47	185.983 (1g) of the statutes is created to read:
-1423.48	250.01 (6) of the statutes is repealed.
-1423.49	252.01 (5) of the statutes is created to read:
-1423.50	252.14 (1) (ar) 4. of the statutes is amended to read:
-1423.51	252.15 (1) (am) of the statutes is amended to read:
-1423.52	252.23 (1) (a) of the statutes is amended to read:
-1423.53	253.01 of the statutes is renumbered 253.01 (intro.) and amended to read:
-1423.54	253.01 (2) of the statutes is created to read:
-1423.55	255.01 (2m) of the statutes is created to read:
-1423.56	301.45 (1d) (q) of the statutes is created to read:
-1423.57	302.10 of the statutes is amended to read:
-1423.58	302.113 (9g) (c) of the statutes is amended to read:
-1423.59	302.37 (2) of the statutes is amended to read:
-1423.60	302.383 (1) (b) of the statutes is amended to read:
-1423.61	302.40 of the statutes is amended to read:
-1423.62	343.045 of the statutes is created to read:
-1423.63	343.63 (4) of the statutes is amended to read:
-1423.64	346.01 (3) of the statutes is created to read:

-1423.65	347.485 (2) (b) of the statutes is amended to read:
-1423.66	350.155 (2) of the statutes is amended to read:
-1424.1	441.001 (3) (a) of the statutes is amended to read:
-1424.2	441.001 (4) (b) of the statutes is amended to read:
-1423.67	441.15 (1) (am) of the statutes is created to read:
-1423.68	441.16 (6) of the statutes is amended to read:
-1423.69	444.10 of the statutes is amended to read:
-1423.70	445.14 of the statutes is amended to read:
-1424.3	446.01 (1m) of the statutes is created to read:
-1426.1	446.01 (2) (b) of the statutes is amended to read:
-1428.1	446.02 (1) (b) of the statutes is amended to read:
-1428.2	446.02 (2) (b) of the statutes is amended to read:
-1424.4	446.02 (4) of the statutes is amended to read:
-1428.3	446.02 (4) of the statutes is amended to read:
-1427.1	446.02 (6m) of the statutes is created to read:
-1424.5	446.02 (7) (b) of the statutes is renumbered 446.02 (7) (b) 1. and amended to read:
-1424.6	446.02 (7) (b) 2. of the statutes is created to read:
-1425.1	446.02 (7s) of the statutes is created to read:
-1428.4	446.02 (9) (a) of the statutes is amended to read:
-1428.5	446.025 of the statutes is created to read:
-1428.6	446.03 (8) of the statutes is created to read:
-1423.71	447.03 (3) (h) of the statutes is amended to read:
-1423.72	449.01 (2) of the statutes is amended to read:
-1423.73	449.01 (5) of the statutes is created to read:
-1423.74	449.02 (2) of the statutes is amended to read:
-1423.75	450.01 (15m) of the statutes is created to read:
-1423.76	450.01 (22) of the statutes is amended to read:
-1423.77	454.01 (14m) of the statutes is created to read:
-1423.78	454.02 (1) of the statutes is amended to read:
-1423.79	459.035 of the statutes is amended to read:
-1423.80	632.68 (1) (am) of the statutes is created to read:
-1423.81	632.835 (1) (cm) of the statutes is created to read:
-1423.82	632.853 of the statutes is amended to read:

-1423.83	632.89 (1) (eg) of the statutes is created to read:
-1423.84	765.03 (1) of the statutes is amended to read:
-1423.85	767.001 (5m) of the statutes is created to read:
-1423.86	804.10 (1) of the statutes is renumbered 804.10 (1r).
-1423.87	804.10 (1g) of the statutes is created to read:
-1423.88	804.10 (3) (a) of the statutes is amended to read:
-1423.89	880.33 (1) of the statutes is amended to read:
-1423.90	880.33 (4m) (b) 1. of the statutes is amended to read:
-1423.91	891.09 (2) of the statutes is amended to read:
-1423.92	891.40 (1) of the statutes is amended to read:
-1423.93	891.40 (2) of the statutes is amended to read:
-1423.94	938.02 (14g) of the statutes is created to read:
-1423.95	938.48 (6) of the statutes is amended to read:
-1423.96	939.615 (6) (e) of the statutes is amended to read:
-1423.97	940.001 of the statutes is created to read:
-1423.98	941.315 (1) (c) of the statutes is created to read:
-1423.99	948.01 (3o) of the statutes is created to read:
-1423.100	948.70 (1) (intro.) and (b) of the statutes are consolidated, renumbered 948.70 (1) and amended to read:
-1423.101	948.70 (1) (a) of the statutes is repealed.
-1423.102	967.02 (2) of the statutes is amended to read:
-1423.103	968.255 (3) of the statutes is amended to read:
-1423.104	971.14 (2) (g) of the statutes is amended to read:
-1423.105	971.14 (5) (am) of the statutes is amended to read:
-1423.106	975.001 of the statutes is renumbered 975.001 (intro.) and amended to read:
-1423.107	975.001 (2) of the statutes is created to read:
-1423.108	979.001 of the statutes is created to read:
-1423.109	990.01 (25v) of the statutes is created to read:
-1423.110	990.01 (28) of the statutes is amended to read:
-1423.111	990.01 (40m) of the statutes is created to read:
-1427.2	Effective date.
-1428.7	Initial applicability.
-1428.8	Effective date.

Barman, Mike

From: Hanaman, Cathlene
Sent: Friday, March 21, 2003 4:15 PM
To: Barman, Mike
Subject: LRB-2381 Compile List

LRB-2381/1 was a compile (the compile list is in the electronic folder).

Also, -1729 was incorporated into that compile.
So those guts should go into the folder too.

Enter ***Latest*** Date to retrieve in This Inline Component -> **01/01/2020**

Leave this component in document if you wish to retrieve Bill Drafts

Leave this component in document if you wish to retrieve DOA Bill Drafts

Leave this component in document if you wish to retrieve Amendments

Leave this component in document if you wish to retrieve LFB Amendment Drafts

03-1423

03-1424

03-1425

03-1426

03-1427

03-1428

Date Added To File: 03/24/2003 (Per: MDK)



- ☞ The drafting file for 2003 LRB -1423
- ☞ The drafting file for 2003 LRB -1424
- ☞ The drafting file for 2003 LRB -1425
- ☞ The drafting file for 2003 LRB -1426
- ☞ The drafting file for 2003 LRB -1427
- ☞ The drafting file for 2003 LRB -1428
- ☞ The drafting file for 2003 LRB -1729

has been transferred to the drafting file for
2003 LRB -2381/1

☞ This cover sheet, the final request sheet, and the final version of the 2003 draft were copied on yellow paper, and returned to the original 2003 drafting file.

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2381/P1

MDK.:jf

WLj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today
by 3:30

gen cat

1 AN ACT *to repeal* 16.009 (1) (h), 250.01 (6) and 948.70 (1) (a); *to renumber*
2 146.31 (1), 185.983 (1) and 804.10 (1); *to renumber and amend* 253.01, 446.02
3 (7) (b) and 975.001; *to consolidate, renumber and amend* 948.70 (1) (intro.)
4 and (b); *to amend* 15.165 (5) (a) 7., 15.405 (7m), 15.407 (1m), 15.915 (2) (b),
5 20.927 (1m), 29.193 (3) (a), 30.67 (6) (b), 46.21 (2) (m), 46.245, 46.297 (2) (a),
6 46.298, 46.87 (5) (a) 1., 49.26 (1) (g) 11., 49.43 (9), 50.09 (1) (a) (intro.), 50.36 (3g)
7 (c), 50.90 (3), 55.043 (1) (b) (intro.), 59.53 (13) (a), 66.0601 (1) (b), 100.43 (3) (c),
8 106.50 (2r) (bm) 2., 115.53 (4) (a), 118.29 (1) (e), 146.0255 (2), 146.17, 146.89 (1),
9 155.05 (2), 157.05, 157.06 (1) (h), 165.765 (2) (a), 252.14 (1) (ar) 4., 252.15 (1)
10 (am), 252.23 (1) (a), 302.10, 302.113 (9g) (c), 302.37 (2), 302.383 (1) (b), 302.40,
11 343.63 (4), 347.485 (2) (b), 350.155 (2), 441.001 (3) (a), 441.001 (4) (b), 441.16
12 (6), 444.10, 445.14, 446.01 (2) (b), 446.02 (1) (b), 446.02 (2) (b), 446.02 (4), 446.02
13 (4), 446.02 (9) (a), 447.03 (3) (h), 449.01 (2), 449.02 (2), 450.01 (2), 454.02 (1),
14 459.035, 632.853, 765.03 (1), 804.10 (3) (a), 880.33 (1), 880.33 (4m) (b) 1., 891.09
15 (2), 891.40 (1), 891.40 (2), 938.48 (6), 939.615 (6) (e), 967.02 (2), 968.255 (3),

971.14 (2) (g), 971.14 (5) (am) and 990.01 (28); and *to create* 46.27 (1) (bg), 48.02 (14k), 50.01 (4p), 50.49 (1) (d), 51.01 (13m), 69.01 (17m), 77.51 (10m), 95.21 (1) (dm), 101.01 (10m), 146.31 (1g), 146.55 (1) (fm), 155.01 (9m), 185.983 (1g), 252.01 (5), 253.01 (2), 255.01 (2m), 301.45 (1d) (q), 343.045, 346.01 (3), 441.15 (1) (am), 446.01 (1m), 446.02 (6m), 446.02 (7) (b) 2., 446.02 (7s), 446.025, 446.03 (8), 449.01 (5), 450.01 (15m), 454.01 (14m), 632.68 (1) (am), 632.835 (1) (cm), 632.89 (1) (eg), 767.001 (5m), 804.10 (1g), 938.02 (14g), 940.001, 941.315 (1) (c), 948.01 (3o), 975.001 (2), 979.001, 990.01 (25v) and 990.01 (40m) of the statutes;

relating to: statutory references to physicians and chiropractors; delegations by chiropractors to physician assistants and other employees; chiropractic evaluations, treatments, and referrals to physicians; the definition of the practice of chiropractic; ~~nutritional~~ guidance provided by chiropractors to patients; continuing education for chiropractors.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1423/P3 ***

Under current law, if the term "physician" is used in the statutes, it means a physician licensed by the Medical Examining Board, except if that meaning is inconsistent with the legislature's manifest intent. Also, under current law, if "chiropractor" is used in the statutes, it means a chiropractor licensed by the Chiropractic Examining Board, with the same exception regarding legislative intent.

Under this bill, if the term "physician" is used in the statutes, it means either a physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board, with the same exception under current law regarding legislative intent. As a result, the following provisions that refer to a "physician" under current law are changed under the bill to refer to either a physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board:

1. Certifications, reports, or other requirements regarding handicap, disability, illness, physical fitness, or other physical condition that are related to class B hunting permits, testimony by telephone at tax dispute hearings conducted by a board of review, releases of land from farmland preservation agreements, polygraph testing by employers, verification of illness of striking municipal workers, duty of

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2A

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A6:

INSERT A6 (continued)

hospitals to provide emergency treatment, notification of the Department of Transportation about a patient's ability to drive, and participation in a property tax loan program administered by the Wisconsin Housing and Economic Development Authority, and driver's instructor licenses.

2. Certifications, reports, or examinations regarding handicap, disability, or other physical condition required participation in a program for state agencies to make procurements from work centers for the severely physically handicapped, disability annuities administered by the Employee Trust Funds Board, eligibility of veterans for public employment, and exemptions of unemployed persons from certain supervision fees otherwise required by the Department of Corrections.

3. Appointments to the Private Employer Health Coverage Board in the Department of Employee Trust Funds, appointments of town physicians by certain towns, appointments of chief medical officers by the state health officer, appointments to local boards of health, and appointments of local health officers by towns and villages.

4. Privacy requirements for medical communications regarding residents of nursing homes and community-based residential facilities and requirements regarding the release of employee medical records by employers.

5. Reports required for accidents involving all-terrain vehicles and snowmobiles and investigations of snowmobile accidents by the Department of Natural Resources.

6. Requirements for drawing blood for testing persons arrested for intoxicated operation of motor vehicles, all-terrain vehicles, snowmobiles, or boats.

7. Physical examinations required for civil service employees of first class cities, for participation in the Wisconsin service and conservation corps programs, and for certain school employees.

8. Access to physical examinations and medical evidence in personal injury actions.

9. Standards for hospice care in rules promulgated by the Department of Health and Family Services.

10. Requirements for participating in the Volunteer Health Care Provider program administered by the Department of Health and Family Services.

11. Eligibility of nonprofit hospitals for property tax exemption regarding certain health and fitness centers.

12. Reports of sexual assault or incest relating to eligibility for benefits under the Wisconsin Works and Aid to Families with Dependent Children programs.

13. Duty to refer children with disabilities to local educational agencies.

14. Preexisting condition requirements in medicare supplement, medicare replacement, or long-term care insurance policies.

Finally, the bill specifies that other references to a "physician" under current law mean a physician licensed by the Medical Examining Board. As a result, the bill does not change the meaning of those references under current law.

*** ANALYSIS FROM 1424PT ***

END OF INSERT
A6

Under current law, a chiropractor licensed by the Chiropractic Examining Board is allowed to delegate services that are adjunctive to the practice of

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A3

INSERT A3 (continued):

Chiropractic Examining

✓ chiropractic to individuals who are not licensed by the board, but only if the services are performed under the direct, on-premises supervision of the chiropractor. In addition, current law prohibits a chiropractor from delegating to individuals not licensed by the chiropractic examining board the making of a diagnosis, the performance of a chiropractic adjustment, the analysis of a diagnostic test or clinical information, or any practice or service that the Chiropractic Examining Board specifies in rules.

This bill creates an exception to the prohibition described above. Under the bill, a chiropractor may delegate to a physician assistant licensed by the Medical Examining Board the making of a diagnosis, the analysis of a diagnostic test or clinical information, or any practice or service that the Chiropractic Examining Board specifies in rules. However, a chiropractor may not delegate the performance of a chiropractic adjustment to a physician assistant. Also, a delegation may not exceed the chiropractor's scope of practice or the education, training, or experience of the physician assistant. A delegation to a physician assistant allowed under the bill does not have to be under the direct, on-premises supervision of a chiropractor.

The bill also requires a chiropractor who applies to renew his or her license to identify each employee to whom clinical work is delegated, except that the following do not have to be identified: nurses, physician assistants, physical therapists, and athletic trainers. In addition, if the Chiropractic Examining Board has promulgated rules that require an employee who is required to be identified to complete a training program or course of instruction to perform the delegated work, the chiropractor must also provide in his or her application for renewal the name, date, and sponsoring organization for the training program or course of instruction that the employee completed.

Finally, the bill changes the definitions of "practical nursing" and "professional nursing" to include actions taken under the supervision or direction of a chiropractor, in addition to actions taken under the supervision or direction of other health care professionals that are specified under current law.

*** ANALYSIS FROM 1425/P3 ***

END of INSERT
A3

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A2:
This bill requires a chiropractor to evaluate a patient to determine whether the patient has a condition that is treatable by chiropractic means. The evaluation must be based on an examination that is appropriate to the patient. Also, a chiropractor must utilize chiropractic science, as defined by rule by the Chiropractic Examining Board, and the principles of education and training of the chiropractic profession.

Under the bill, a chiropractor must discontinue treatment if, at any time, the chiropractor determines, or reasonably should have determined, that the patient's condition will not respond to further chiropractic treatment. Also, if a chiropractor makes such a determination, the chiropractor must inform the patient and refer the patient to a physician. If the referral is in writing, the chiropractor must provide a copy to the patient and maintain a copy with the patient's records. If the referral is made orally, the chiropractor must notify the patient about the referral and make a written record of the referral, which must be maintained with the patient's records.

Finally, the bill creates one exception to the requirement to discontinue treatment under the circumstances described above. The exception is that the bill

INSERT
A2 (continued)

allows a chiropractor to provide supportive care to a patient being treated by another health care professional. END OF INSERT A2

~~*** ANALYSIS FROM -1426/P1 ***~~

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A1

Under current law, the "practice of chiropractic" is defined, in part, as the employment or application of chiropractic adjustments and the principles or techniques of chiropractic science in the diagnosis, treatment, or prevention of conditions of human health or disease.

Under this bill, the "practice of chiropractic" has the same definition, except that the chiropractic adjustments and principles or techniques of chiropractic science must be those that are taught at a college or university approved by the Council on Chiropractic Education or any successor organization. END OF INSERT A1

~~*** ANALYSIS FROM -1427/P3 ***~~

INSERT
A5

This bill requires certain chiropractors licensed by the Chiropractic Examining Board to complete a postgraduate course of study in nutrition before they may provide counsel, guidance, direction, advice, or recommendations to patients regarding the health benefits of vitamins, herbs, or nutritional supplements. However, the requirement applies only to chiropractors who were granted licenses on or before January 1, 2003. In addition, the requirement does not apply to chiropractors who are also certified as dietitians by the Dietitians Affiliated Credentialing Board. The required course of study must consist of 48 hours and must be approved by the Chiropractic Examining Board. END OF INSERT A5

~~*** ANALYSIS FROM -1428/P2 ***~~

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A4

Under current law, a chiropractor licensed by the Chiropractic Examining Board ~~(board)~~ must complete any continuing education that the board requires in order to renew his or her license, which must be renewed every two years. This bill creates additional requirements regarding continuing education.

Under the bill, the board must establish the minimum number of hours of continuing education courses that must be completed during the two-year licensure period. As under current law, a chiropractor does not have to begin complying with continuing education requirements under the bill until the first two-year licensure period beginning after he or she initially receives his or her license.

Also under the bill, only courses that are approved by the board may be used to satisfy the minimum hours required. The board may only approve a course if the organization that sponsors the course (sponsoring organization) satisfies certain requirements. The sponsoring organization must be the Wisconsin, American, or International Chiropractic Association, or an approved chiropractic, medical, or osteopathic college or university. Also, the sponsoring organization must carry out specified duties, including selecting the course instructor, preparing course materials, evaluating the course, maintaining transcripts, performing financial administration, proctoring attendance, providing attendance vouchers, and supplying a list of attendees to the board. The sponsoring organization is also allowed to delegate these duties to another organization. The board must withdraw or withhold approval from a sponsoring organization for a two-year period if the sponsoring organization fails to carry out any of the duties, or if an organization to which a duty is delegated fails to carry out any of the duties.

Chiropractic
Examining

INSERT 14 (continued)

Chiropractic Examining

The bill requires the board periodically to publish an updated list of approved courses. A chiropractor who applies to renew his or her license must identify the courses used to satisfy the minimum hour requirement on a form provided by the Department of Regulation and Licensing ~~NR 110~~. The bill requires ~~NR 110~~ to audit at least 25% of the renewal applications received during each two-year licensure period to determine whether an applicant has attended the courses that he or she identifies on the form.

the
Department
of
Regulation
and
Licensing

Finally, the bill allows the board to take disciplinary action against a licensed chiropractor who violates any state law or rule regulating chiropractors, including the continuing education requirements.

END of INSERT 14

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

LPS:
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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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all of two.

1 *~~1423/P3.1~~* SECTION 1. 15.165 (5) (a) 7. of the statutes is amended to read:

2 15.165 (5) (a) 7. One member who is a physician, ~~as defined in s. 448.01 (5).~~

3 *-1423/P3.2* SECTION 2. 15.405 (7m) of the statutes is amended to read:

4 15.405 (7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created

5 a nursing home administrator examining board in the department of regulation and

6 licensing consisting of 9 members appointed for staggered 4-year terms and the

7 secretary of health and family services or a designee, who shall serve as a nonvoting

8 member. Five members shall be nursing home administrators licensed in this state.

9 One member shall be a physician as defined in s. 448.01 (5).[✓] One member shall be

10 a nurse licensed under ch. 441. Two members shall be public members. No more than

11 2 members may be officials or full-time employees of this state.

12 *-1423/P3.3* SECTION 3. 15.407 (1m) of the statutes is amended to read:

13 15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is

14 created a respiratory care practitioners examining council in the department of

15 regulation and licensing and serving the medical examining board in an advisory

1 capacity in the formulating of rules to be promulgated by the medical examining
2 board for the regulation of respiratory care practitioners. The respiratory care
3 practitioners examining council shall consist of 3 certified respiratory care
4 practitioners, each of whom shall have engaged in the practice of respiratory care for
5 at least 3 years preceding appointment, one physician, as defined in s. 448.01 (5), and
6 one public member. The respiratory care practitioner and physician members shall
7 be appointed by the medical examining board. The members of the examining
8 council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply
9 to the respiratory care practitioners examining council.

10 ***-1423/P3.4* SECTION 4.** 15.915 (2) (b) of the statutes is amended to read:

11 15.915 (2) (b) A representative of local health departments who is not an
12 employee of the department of health and family services, one physician, as defined
13 in s. 448.01 (5), representing clinical laboratories, one member representing private
14 environmental testing laboratories, one member representing occupational health
15 laboratories and 3 additional members, one of whom shall be a medical examiner or
16 coroner, appointed for 3-year terms. No member appointed under this paragraph
17 may be an employee of the laboratory of hygiene.

18 ***-1423/P3.5* SECTION 5.** 16.009 (1) (h) of the statutes is repealed.

19 ***-1423/P3.6* SECTION 6.** 20.927 (1m) of the statutes is amended to read:

20 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state
21 or of any county, city, village, town or family care district under s. 46.2895 or of any
22 subdivision or agency of this state or of any county, city, village or town and no federal
23 funds passing through the state treasury shall be authorized for or paid to a
24 physician, as defined in s. 448.01 (5), or surgeon or a hospital, clinic or other medical
25 facility for the performance of an abortion.

1 ***-1423/P3.7* SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

2 29.193 (3) (a) Produces a certificate from a licensed physician, as defined in s.
3 448.01 (5), or optometrist stating that his or her sight is impaired to the degree that
4 he or she cannot read ordinary newspaper print with or without corrective glasses.

5 ***-1423/P3.8* SECTION 8.** 30.67 (6) (b) of the statutes is amended to read:

6 30.67 (6) (b) In cases of death involving a boat in which the person died within
7 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
8 withdrawn from the body of the decedent within 12 hours after his or her death, by
9 the coroner or medical examiner or by a physician, as defined in s. 448.01 (5), so
10 designated by the coroner or medical examiner or by a qualified person at the
11 direction of the physician. All morticians shall obtain a release from the coroner or
12 medical examiner prior to proceeding with embalming any body coming under the
13 scope of this section. The blood so drawn shall be forwarded to a laboratory approved
14 by the state health officer for analysis of the alcoholic content of the blood specimen.
15 The coroner or medical examiner causing the blood to be withdrawn shall be notified
16 of the results of each analysis made and shall forward the results of each analysis
17 to the state health officer. The state health officer shall keep a record of all
18 examinations to be used for statistical purposes only. The cumulative results of the
19 examinations, without identifying the individuals involved, shall be disseminated
20 and made public by the state health officer. The department shall reimburse
21 coroners and medical examiners for the costs incurred in submitting reports and
22 taking blood specimens and laboratories for the costs incurred in analyzing blood
23 specimens under this section.

24 ***-1423/P3.9* SECTION 9.** 46.21 (2) (m) of the statutes is amended to read:

1 46.21 (2) (m) May establish and maintain in connection with such county
2 hospital, an emergency unit or department for the treatment, subject to such rules
3 as may be prescribed by the county board of supervisors, of persons in the county who
4 may meet with accidents or be suddenly afflicted with illness not contagious;
5 provided that medical care and treatment shall only be furnished in such unit or
6 department until such time as the patient may be safely removed to another hospital
7 or to his or her place of abode, or regularly admitted to the county hospital. The
8 county board of supervisors may also contract with any private hospital or nonprofit
9 hospital within the county for the use of its facilities and for medical service to be
10 furnished by a licensed physician, or physicians, as defined in s. 448.01 (5), to
11 patients who require emergency medical treatment or first aid as a result of any
12 accident, injury or sudden affliction of illness occurring within the county, except
13 that reasonable compensation may only be authorized until the patient is regularly
14 admitted as an inpatient or safely removed to another hospital or to his place of
15 abode. In this paragraph, “hospital” includes, without limitation due to
16 enumeration, public health centers, medical facilities and general, tuberculosis,
17 mental, chronic disease and other types of hospitals and related facilities, such as
18 laboratories, outpatient departments, nurses’ home and training facilities, and
19 central service facilities operated in connection with hospitals. In this paragraph,
20 “hospital” does not include any hospital furnishing primarily domiciliary care. In
21 this paragraph “nonprofit hospital” means any hospital owned and operated by a
22 corporation or association, no part of the net earnings of which inures, or may
23 lawfully inure, to the benefit of any private shareholder or individual.

24 *-1423/P3.10* SECTION 10. 46.245 of the statutes is amended to read:

1 **46.245 Information for certain pregnant women.** Upon request, a county
2 department under s. 46.215, 46.22 or 46.23 shall distribute the materials described
3 under s. 253.10 (3) (d), as prepared and distributed by the department. A physician,
4 as defined in s. 448.01 (5), who intends to perform or induce an abortion or another
5 qualified physician, as defined in s. 253.10 (2) (g), who reasonably believes that he
6 or she might have a patient for whom the information under s. 253.10 (3) (d) is
7 required to be given, shall request a reasonably adequate number of the materials
8 from the county department under this section or from the department under s.
9 253.10 (3) (d). An individual may request a reasonably adequate number of the
10 materials.

11 ***-1423/P3.11* SECTION 11.** 46.27 (1) (bg) of the statutes is created to read:

12 46.27 (1) (bg) “Physician” has the meaning given in s. 448.01 (5).

13 ***-1423/P3.12* SECTION 12.** 46.297 (2) (a) of the statutes is amended to read:

14 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by
15 a physician, as defined in s. 448.01 (5), an audiologist licensed under subch. II of ch.
16 459, or the department.

17 ***-1423/P3.13* SECTION 13.** 46.298 of the statutes is amended to read:

18 **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a
19 person who is certified as hearing impaired by the department, by a physician, as
20 defined in s. 448.01 (5), by a hearing instrument specialist licensed under subch. I
21 of ch. 459 or by an audiologist licensed under subch. II of ch. 459, the department
22 shall issue to the person a decal or sticker for display on a motor vehicle owned or
23 frequently operated by the person to apprise law enforcement officers of the fact that
24 the vehicle is owned or operated by a hearing-impaired person. No charge shall be
25 made for issuance of the decal or sticker. The department shall specify the design

1 of the decal or sticker. The department shall designate the location on the vehicle
2 at which the decal or sticker shall be affixed by its own adhesive.

3 ***-1423/P3.14* SECTION 14.** 46.87 (5) (a) 1. of the statutes is amended to read:

4 46.87 (5) (a) 1. At least one member of the household must be a person who has
5 been diagnosed by a physician, as defined in s. 448.01 (5), as having Alzheimer's
6 disease.

7 ***-1423/P3.15* SECTION 15.** 48.02 (14k) of the statutes is created to read:

8 48.02 (14k) "Physician" has the meaning given in s. 448.01 (5).

9 ***-1423/P3.16* SECTION 16.** 49.26 (1) (g) 11. of the statutes is amended to read:

10 49.26 (1) (g) 11. If the individual is the mother of a child, a physician, as defined
11 in s. 448.01 (5), has not determined that the individual should delay her return to
12 school after giving birth.

13 ***-1423/P3.17* SECTION 17.** 49.43 (9) of the statutes is amended to read:

14 49.43 (9) "Physician" ~~means a person licensed to practice medicine and surgery,~~
15 ~~and includes graduates of osteopathic colleges holding an unlimited license to~~
16 ~~practice medicine and surgery~~ has the meaning given in s. 448.01 (5).

17 ***-1423/P3.18* SECTION 18.** 50.01 (4p) of the statutes is created to read:

18 50.01 (4p) "Physician" has the meaning given in s. 448.01 (5).

19 ***-1423/P3.19* SECTION 19.** 50.09 (1) (a) (intro.) of the statutes is amended to
20 read:

21 50.09 (1) (a) (intro.) Private and unrestricted communications with the
22 resident's family, physician, chiropractor, attorney and any other person, unless
23 medically contraindicated as documented by the resident's physician in the
24 resident's medical record, except that communications with public officials or with

1 the resident's attorney shall not be restricted in any event. The right to private and
2 unrestricted communications shall include, but is not limited to, the right to:

3 ***-1423/P3.20* SECTION 20.** 50.36 (3g) (c) of the statutes is amended to read:

4 50.36 (3g) (c) If a hospital grants a psychologist hospital staff privileges or
5 limited hospital staff privileges under par. (b), the psychologist or the hospital shall,
6 prior to or at the time of hospital admission of a patient, identify an appropriate
7 physician, as defined in s. 448.01 (5), with admitting privileges at the hospital who
8 shall be responsible for the medical evaluation and medical management of the
9 patient for the duration of his or her hospitalization.

10 ***-1423/P3.21* SECTION 21.** 50.49 (1) (d) of the statutes is created to read:

11 50.49 (1) (d) "Physician" has the meaning given in s. 448.01 (5).

12 ***-1423/P3.22* SECTION 22.** 50.90 (3) of the statutes is amended to read:

13 50.90 (3) "Palliative care" means management and support provided for the
14 reduction or abatement of pain, for other physical symptoms and for psychosocial or
15 spiritual needs of individuals with terminal illness and includes ~~physician~~ services
16 provided by a physician, skilled nursing care, medical social services, services of
17 volunteers, and bereavement services. "Palliative care" does not mean treatment
18 provided in order to cure a medical condition or disease or to artificially prolong life.

19 ***-1423/P3.23* SECTION 23.** 51.01 (13m) of the statutes is created to read:

20 51.01 (13m) "Physician" has the meaning given in s. 448.01 (5).

21 ***-1423/P3.24* SECTION 24.** 55.043 (1) (b) (intro.) of the statutes is amended to
22 read:

23 55.043 (1) (b) (intro.) The county protective services agency may transport the
24 vulnerable adult for performance of a medical examination by a physician, as defined
25 in s. 448.01 (5), if any of the following applies:

1 ***-1423/P3.25* SECTION 25.** 59.53 (13) (a) of the statutes is amended to read:

2 59.53 (13) (a) No county, or agency or subdivision of the county, may authorize
3 funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a hospital,
4 clinic or other medical facility for the performance of an abortion except those
5 permitted under and which are performed in accordance with s. 20.927.

6 ***-1423/P3.26* SECTION 26.** 66.0601 (1) (b) of the statutes is amended to read:

7 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family
8 care district under s. 46.2895 or agency or subdivision of a city, village or town may
9 authorize funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a
10 hospital, clinic or other medical facility for the performance of an abortion except
11 those permitted under and which are performed in accordance with s. 20.927.

12 ***-1423/P3.27* SECTION 27.** 69.01 (17m) of the statutes is created to read:

13 69.01 (17m) “Physician” has the meaning given in s. 448.01 (5).

14 ***-1423/P3.28* SECTION 28.** 77.51 (10m) of the statutes is created to read:

15 77.51 (10m) “Physician” has the meaning given in s. 448.01 (5).

16 ***-1423/P3.29* SECTION 29.** 95.21 (1) (dm) of the statutes is created to read:

17 95.21 (1) (dm) “Physician” has the meaning given in s. 448.01 (5).

18 ***-1423/P3.30* SECTION 30.** 100.43 (3) (c) of the statutes is amended to read:

19 100.43 (3) (c) A household substance, subject to special packaging standards,
20 which is dispensed pursuant to a prescription of a physician, as defined in s. 448.01
21 (5), dentist, or other licensed medical practitioner may be sold in conventional or
22 noncomplying packages when directed in such prescription or requested by the
23 purchaser.

24 ***-1423/P3.31* SECTION 31.** 101.01 (10m) of the statutes is created to read:

25 101.01 (10m) “Physician” has the meaning given in s. 448.01 (5).

1 ***-1423/P3.32* SECTION 32.** 106.50 (2r) (bm) 2. of the statutes is amended to
2 read:

3 106.50 (2r) (bm) 2. Subdivision 1. does not apply in the case of the rental of
4 owner-occupied housing if the owner or a member of his or her immediate family
5 occupying the housing possesses and, upon request, presents to the individual a
6 certificate signed by a physician, as defined in s. 448.01 (5), which states that the
7 owner or family member is allergic to the type of animal the individual possesses.

8 ***-1423/P3.33* SECTION 33.** 115.53 (4) (a) of the statutes is amended to read:

9 115.53 (4) (a) The application shall be accompanied by the report of a physician,
10 as defined in s. 448.01 (5), appointed by the director of the Wisconsin Educational
11 Services Program for the Deaf and Hard of Hearing or the director of the Wisconsin
12 Center for the Blind and Visually Impaired and shall be in the same form as reports
13 of other physicians for admission of patients to such hospital.

14 ***-1423/P3.34* SECTION 34.** 118.29 (1) (e) of the statutes is amended to read:

15 118.29 (1) (e) "Practitioner" means any physician, as defined in s. 448.01 (5),
16 dentist, optometrist, physician assistant, advanced practice nurse prescriber, or
17 podiatrist licensed in any state.

18 ***-1423/P3.35* SECTION 35.** 146.0255 (2) of the statutes is amended to read:

19 146.0255 (2) TESTING. Any hospital employee who provides health care, social
20 worker or intake worker under ch. 48 may refer an infant or an expectant mother of
21 an unborn child, as defined in s. 48.02 (19), to a physician, as defined in s. 448.01 (5),
22 for testing of the bodily fluids of the infant or expectant mother for controlled
23 substances or controlled substance analogs if the hospital employee who provides
24 health care, social worker or intake worker suspects that the infant or expectant
25 mother has controlled substances or controlled substance analogs in the bodily fluids

1 of the infant or expectant mother because of the use of controlled substances or
2 controlled substance analogs by the mother while she was pregnant with the infant
3 or by the expectant mother while she is pregnant with the unborn child. The
4 physician may test the infant or expectant mother to ascertain whether or not the
5 infant or expectant mother has controlled substances or controlled substance
6 analogs in the bodily fluids of the infant or expectant mother, if the physician
7 determines that there is a serious risk that there are controlled substances or
8 controlled substance analogs in the bodily fluids of the infant or expectant mother
9 because of the use of controlled substances or controlled substance analogs by the
10 mother while she was pregnant with the infant or by the expectant mother while she
11 is pregnant with the unborn child and that the health of the infant, the unborn child
12 or the child when born may be adversely affected by the controlled substances or
13 controlled substance analogs. If the results of the test indicate that the infant does
14 have controlled substances or controlled substance analogs in the infant's bodily
15 fluids, the physician shall make a report under s. 46.238. If the results of the test
16 indicate that the expectant mother does have controlled substances or controlled
17 substance analogs in the expectant mother's bodily fluids, the physician may make
18 a report under s. 46.238. Under this subsection, no physician may test an expectant
19 mother without first receiving her informed consent to the testing.

20 ***-1423/P3.36* SECTION 36.** 146.17 of the statutes is amended to read:

21 **146.17 Limitations.** Nothing in the statutes shall be construed to authorize
22 interference with the individual's right to select his or her own physician, as defined
23 in s. 448.01 (5), or mode of treatment, nor as a limitation upon the municipality to
24 enact measures in aid of health administration, consistent with statute and acts of
25 the department.

1 ***-1423/P3.37* SECTION 37.** 146.31 (1) of the statutes is renumbered 146.31
2 (1r).

3 ***-1423/P3.38* SECTION 38.** 146.31 (1g) of the statutes is created to read:

4 146.31 (1g) In this section, “physician” has the meaning given in s. 448.01 (5).

5 ***-1423/P3.39* SECTION 39.** 146.55 (1) (fm) of the statutes is created to read:

6 146.55 (1) (fm) “Physician” has the meaning given in s. 448.01 (5).

7 ***-1423/P3.40* SECTION 40.** 146.89 (1) of the statutes is amended to read:

8 146.89 (1) In this section, “volunteer health care provider” means an individual
9 who is licensed as a physician under ch. 448, or who is licensed as a dentist under
10 ch. 447, registered nurse, practical nurse or nurse-midwife under ch. 441,
11 optometrist under ch. 449 or physician assistant under ch. 448 or certified as a
12 dietitian under subch. V of ch. 448 and who receives no income from the practice of
13 that health care profession or who receives no income from the practice of that health
14 care profession when providing services at the nonprofit agency specified under sub.
15 (3).

16 ***-1423/P3.41* SECTION 41.** 155.01 (9m) of the statutes is created to read:

17 155.01 (9m) “Physician” has the meaning given in s. 448.01 (5).

18 ***-1423/P3.42* SECTION 42.** 155.05 (2) of the statutes is amended to read:

19 155.05 (2) Unless otherwise specified in the power of attorney for health care
20 instrument, an individual’s power of attorney for health care takes effect upon a
21 finding of incapacity by 2 physicians, ~~as defined in s. 448.01 (5),~~ or one physician and
22 one licensed psychologist, as defined in s. 455.01 (4), who personally examine the
23 principal and sign a statement specifying that the principal has incapacity. Mere old
24 age, eccentricity or physical disability, either singly or together, are insufficient to
25 make a finding of incapacity. Neither of the individuals who make a finding of

1 incapacity may be a relative of the principal or have knowledge that he or she is
2 entitled to or has a claim on any portion of the principal's estate. A copy of the
3 statement, if made, shall be appended to the power of attorney for health care
4 instrument.

5 ***-1423/P3.43* SECTION 43.** 157.05 of the statutes is amended to read:

6 **157.05 Autopsy.** Consent for a licensed physician, as defined in s. 448.01 (5),
7 to conduct an autopsy on the body of a deceased person shall be deemed sufficient
8 when given by whichever one of the following assumes custody of the body for
9 purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in
10 the absence of any of the foregoing, a friend, or a person charged by law with the
11 responsibility for burial. If 2 or more such persons assume custody of the body, the
12 consent of one of them shall be deemed sufficient.

13 ***-1423/P3.44* SECTION 44.** 157.06 (1) (h) of the statutes is amended to read:

14 157.06 (1) (h) "Physician" means has the meaning given in s. 448.01 (5), and
15 also includes an individual licensed or otherwise authorized to practice medicine and
16 surgery or osteopathy and surgery under the laws of any state.

17 ***-1423/P3.45* SECTION 45.** 165.765 (2) (a) of the statutes is amended to read:

18 165.765 (2) (a) Any physician, as defined in s. 448.01 (5), registered nurse,
19 medical technologist, physician assistant or person acting under the direction of a
20 physician who obtains a biological specimen under s. 165.76, 938.34 (15), 973.047 or
21 980.063 is immune from any civil or criminal liability for the act, except for civil
22 liability for negligence in the performance of the act.

23 ***-1423/P3.46* SECTION 46.** 185.983 (1) of the statutes is renumbered 185.983

24 (1r).

25 ***-1423/P3.47* SECTION 47.** 185.983 (1g) of the statutes is created to read:

1 185.983 (1g) "Physician" has the meaning given in s. 448.01 (5).

2 *-1423/P3.48* SECTION 48. 250.01 (6) of the statutes is repealed.

3 *-1423/P3.49* SECTION 49. 252.01 (5) of the statutes is created to read:

4 252.01 (5) "Physician" has the meaning given in s. 448.01 (5).

5 *-1423/P3.50* SECTION 50. 252.14 (1) (ar) 4. of the statutes is amended to read:

6 252.14 (1) (ar) 4. A physician licensed under subch. II of ch. 448.

7 *-1423/P3.51* SECTION 51. 252.15 (1) (am) of the statutes is amended to read:

8 252.15 (1) (am) "Health care professional" means a physician who is licensed
9 under ch. 448 or a registered nurse or licensed practical nurse who is licensed under
10 ch. 441.

11 *-1423/P3.52* SECTION 52. 252.23 (1) (a) of the statutes is amended to read:

12 252.23 (1) (a) "Tattoo" has the meaning given in s. 948.70 (1) (b).

13 *-1423/P3.53* SECTION 53. 253.01 of the statutes is renumbered 253.01
14 (intro.) and amended to read:

15 253.01 (intro.) **Definition Definitions.** In this chapter, "division":

16 (1) "Division" means the division within the department that has primary
17 responsibility for health issues.

18 *-1423/P3.54* SECTION 54. 253.01 (2) of the statutes is created to read:

19 253.01 (2) "Physician" has the meaning given in s. 448.01 (5).

20 *-1423/P3.55* SECTION 55. 255.01 (2m) of the statutes is created to read:

21 255.01 (2m) "Physician" has the meaning given in s. 448.01 (5).

22 *-1423/P3.56* SECTION 56. 301.45 (1d) (q) of the statutes is created to read:

23 301.45 (1d) (q) "Physician" has the meaning given in s. 448.01 (5).

24 *-1423/P3.57* SECTION 57. 302.10 of the statutes is amended to read:

1 **302.10 Solitary confinement.** For violation of the rules of the prison an
2 inmate may be confined to a solitary cell, under the care and advice of the physician,
3 as defined in s. 448.01 (5).

4 ***-1423/P3.58* SECTION 58.** 302.113 (9g) (c) of the statutes is amended to read:

5 302.113 (9g) (c) An inmate who meets the criteria under par. (b) may submit
6 a petition to the program review committee at the correctional institution in which
7 the inmate is confined requesting a modification of the inmate's bifurcated sentence
8 in the manner specified in par. (f). If the inmate alleges in the petition that he or she
9 has a terminal condition, the inmate shall attach to the petition affidavits from 2
10 physicians, as defined in s. 448.01 (5), setting forth a diagnosis that the inmate has
11 a terminal condition.

12 ***-1423/P3.59* SECTION 59.** 302.37 (2) of the statutes is amended to read:

13 302.37 (2) Neither the sheriff or other keeper of any jail nor any other person
14 shall give, sell or deliver to any prisoner for any cause whatever any alcohol
15 beverages unless a physician, as defined in s. 448.01 (5), certifies in writing that the
16 health of the prisoner requires it, in which case the prisoner may be allowed the
17 quantity prescribed.

18 ***-1423/P3.60* SECTION 60.** 302.383 (1) (b) of the statutes is amended to read:

19 302.383 (1) (b) Ensure that the prisoner has been fully informed about his or
20 her treatment needs, the mental health services available to him or her and his or
21 her rights under ch. 51, and ensure that the prisoner has had an opportunity to
22 discuss his or her needs, the services available to him or her and his or her rights with
23 a ~~licensed~~ physician, as defined in s. 448.01 (5), licensed psychologist, or other mental
24 health professional.

25 ***-1423/P3.61* SECTION 61.** 302.40 of the statutes is amended to read:

1 **302.40 Discipline; solitary confinement.** For violating the rules of the jail,
2 an inmate may be kept in solitary confinement, under the care and advice of a
3 physician, as defined in s. 448.01 (5), but not over 10 days.

4 ***-1423/P3.62* SECTION 62.** 343.045 of the statutes is created to read:

5 **343.045 Definition.** In this subchapter, “physician” has the meaning given
6 in s. 448.01 (5).

7 ***-1423/P3.63* SECTION 63.** 343.63 (4) of the statutes is amended to read:

8 **343.63 (4)** The applicant shall submit with his or her application a statement
9 completed by a registered physician showing that in the physician’s judgment the
10 applicant is physically fit to teach driving.

11 ***-1423/P3.64* SECTION 64.** 346.01 (3) of the statutes is created to read:

12 **346.01 (3)** In this chapter, “physician” has the meaning given in s. 448.01 (5).

13 ***-1423/P3.65* SECTION 65.** 347.485 (2) (b) of the statutes is amended to read:

14 **347.485 (2) (b)** Except for photosensitive corrective glasses prescribed by an
15 ophthalmologist, physician, as defined in s. 448.01 (5), oculist or optometrist, eye
16 protection worn during hours of darkness may not be tinted or darkened.

17 ***-1423/P3.66* SECTION 66.** 350.155 (2) of the statutes is amended to read:

18 **350.155 (2)** In cases of death involving a snowmobile in which the decedent died
19 within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
20 withdrawn from the body of the decedent within 12 hours after death, by the coroner
21 or medical examiner or by a physician, as defined in s. 448.01 (5), so designated by
22 the coroner or medical examiner or by a qualified person at the direction of such
23 physician. All funeral directors shall obtain a release from the coroner or medical
24 examiner prior to proceeding with embalming any body coming under the scope of
25 this section. The blood so drawn shall be forwarded to a laboratory approved by the

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1 department of health and family services for analysis of the alcoholic content of such
2 blood specimen. The coroner or medical examiner causing the blood to be withdrawn
3 shall be notified of the results of each analysis made and shall forward the results
4 of each such analysis to the department of health and family services. The
5 department of health and family services shall keep a record of all such examinations
6 to be used for statistical purposes only. The cumulative results of the examinations,
7 without identifying the individuals involved, shall be disseminated and made public
8 by the department of health and family services. The department shall reimburse
9 coroners and medical examiners for the costs incurred in submitting reports and
10 taking blood specimens and laboratories for the costs incurred in analyzing blood
11 specimens under this section.

12 *-1424/P1.1* SECTION 67. 441.001 (3) (a) of the statutes is amended to read:

13 441.001 (3) (a) "Practical nursing" means the performance for compensation
14 of any simple acts in the care of convalescent, subacutely or chronically ill, injured
15 or infirm persons, or of any act or procedure in the care of the more acutely ill, injured
16 or infirm under the specific direction of a nurse, physician, chiropractor licensed
17 under ch. 446, podiatrist licensed under ch. 448, dentist licensed under ch. 447 or
18 optometrist licensed under ch. 449, or under an order of a person who is licensed to
19 practice medicine, podiatry, dentistry or optometry in another state if that person
20 prepared the order after examining the patient in that other state and directs that
21 the order be carried out in this state.

22 *-1424/P1.2* SECTION 68. 441.001 (4) (b) of the statutes is amended to read:

23 441.001 (4) (b) The execution of procedures and techniques in the treatment
24 of the sick under the general or special supervision or direction of a physician,
25 chiropractor licensed under ch. 446, podiatrist licensed under ch. 448, dentist

1 licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a
2 person who is licensed to practice medicine, podiatry, dentistry or optometry in
3 another state if the person making the order prepared the order after examining the
4 patient in that other state and directs that the order be carried out in this state.

5 ***-1423/P3.67* SECTION 69.** 441.15 (1) (am) of the statutes is created to read:

6 441.15 (1) (am) "Physician" has the meaning given in s. 448.01 (5).

7 ***-1423/P3.68* SECTION 70.** 441.16 (6) of the statutes is amended to read:

8 441.16 (6) Nothing in this section prohibits a nurse from issuing a prescription
9 order as an act delegated by a physician, as defined in s. 448.01 (5).

10 ***-1423/P3.69* SECTION 71.** 444.10 of the statutes is amended to read:

11 **444.10 Physician to examine contestants.** Prior to entering the ring, each
12 contestant must be examined by a physician, as defined in s. 448.01 (5), who has been
13 licensed to practice in Wisconsin not less than 5 years and who is appointed by the
14 department and certifies in writing, over his or her signature, as to the contestant's
15 physical and mental fitness to engage in such contest.

16 ***-1423/P3.70* SECTION 72.** 445.14 of the statutes is amended to read:

17 **445.14 Funeral directors; who to employ.** No public officer, employee or
18 officer of any public institution, physician ~~or surgeon~~, as defined in s. 448.01 (5), shall
19 send, or cause to be sent, to any funeral director, the corpse of any deceased person,
20 without having first made due inquiry as to the desires of the next of kin, or any
21 persons who may be chargeable with the funeral expenses of such deceased person,
22 and if any such kin or person is found, his or her authority or direction shall be
23 received as to the disposal of such corpse.

24 ***-1424/P1.3* SECTION 73.** 446.01 (1m) of the statutes is created to read:

1 446.01 (1m) "Physician assistant" means a physician assistant licensed under
2 subch. II of ch. 118.

3 *-1426/P1.1* SECTION 74. 446.01 (2) (b) of the statutes is amended to read:

4 446.01 (2) (b) To employ or apply chiropractic adjustments, and the principles
5 or techniques of chiropractic science, that are taught at a chiropractic college or
6 university approved by the Council on Chiropractic Education or any successor
7 organization, in the diagnosis, treatment or prevention of any of the conditions
8 described in s. 448.01 (10).

9 *-1428/P2.1* SECTION 75. 446.02 (1) (b) of the statutes is amended to read:

10 446.02 (1) (b) Meets the requirements of continuing education for license
11 renewal ~~as the examining board may require under s. 446.025~~. During the time
12 between initial licensure and commencement of a full 2-year licensure period new
13 licensees shall not be required to meet continuing education requirements. Any
14 person who has not engaged in the practice of chiropractic for 2 years or more, while
15 holding a valid license under this chapter, and desiring to engage in such practice,
16 shall be required by the examining board to complete a continuing education course
17 at a school of chiropractic approved by the examining board or pass a practical
18 examination administered by the examining board or both.

19 *-1428/P2.2* SECTION 76. 446.02 (2) (b) of the statutes is amended to read:

20 446.02 (2) (b) The examining board shall promulgate rules establishing
21 educational requirements for obtaining a license under par. (a). The rules shall
22 require that an application for the license that is received by the department after
23 June 30, 1998, be accompanied by satisfactory evidence that the applicant has a
24 bachelor's degree from a college or university accredited by an accrediting body listed
25 as nationally recognized by the secretary of the federal department of education, and

1 has graduated from a college or university of chiropractic approved by the examining
2 board.

3 ***-1424/P1.4* SECTION 77.** 446.02 (4) of the statutes is amended to read:

4 446.02 (4) The renewal date and renewal fee for all licenses granted by the
5 examining board are specified under s. 440.08 (2) (a). In an application for renewal,
6 the applicant shall identify each employee, other than a nurse licensed under ch. 441,
7 physician assistant, physical therapist licensed under subch. III of ch. 448, or
8 athletic trainer licensed under subch. VI of ch. 448, to whom clinical work is
9 delegated. If the examining board has promulgated rules requiring such an
10 employee to complete a training program or course of instruction to perform the
11 delegated work, the applicant shall also provide the name, date, and sponsoring
12 organization for the training program or course of instruction that the employee
13 completed.

14 ***-1428/P2.3* SECTION 78.** 446.02 (4) of the statutes is amended to read:

15 ~~446.02 (4) The renewal date and renewal fee for all licenses granted by the~~
16 ~~examining board are specified under s. 440.08 (2) (a).~~ Except as provided in sub. (1)
17 (b), the examining board may not renew a license unless the applicant for renewal
18 identifies on a form provided by the department the continuing education courses
19 approved under s. 446.025 (2) that the applicant has completed to satisfy the
20 minimum number of hours required under s. 446.025 (1).

21 ***-1427/P3.1* SECTION 79.** 446.02 (6m) of the statutes is created to read:

22 446.02 (6m) (a) Except as provided in par. (b), a chiropractor who is granted
23 a license under this chapter on or before January 1, 2003, may provide counsel,
24 guidance, direction, advice, or recommendations to a patient regarding the health
25 benefits of vitamins, herbs, or nutritional supplements only if the chiropractor has

1 completed 48 hours in a postgraduate course of study in nutrition that is approved
2 by the examining board.

3 (b) Paragraph (a) does not apply to a chiropractor licensed under this chapter
4 who is certified as a dietitian under subch. V of ch. 448.

5 ***-1424/P1.5* SECTION 80.** 446.02 (7) (b) of the statutes is renumbered 446.02
6 (7) (b) 1. and amended to read:

7 446.02 (7) (b) 1. ~~A~~ Except as provided in subd. 2., a chiropractor may not
8 delegate to a person who is not licensed under this chapter the making of a diagnosis,
9 the performance of a chiropractic adjustment, the analysis of a diagnostic test or
10 clinical information or any practice or service that the examining board, by rule,
11 prohibits a chiropractor from delegating to a person who is not licensed under this
12 chapter.

13 ***-1424/P1.6* SECTION 81.** 446.02 (7) (b) 2. of the statutes is created to read:

14 446.02 (7) (b) 2. A chiropractor may delegate to a physician assistant the
15 making of a diagnosis, the analysis of a diagnostic test or clinical information, or any
16 practice or service specified by the examining board by rule, except that a
17 chiropractor may not delegate to a physician assistant the performance of a
18 chiropractic adjustment and except that a chiropractor may not delegate to a
19 physician assistant any practice or service that exceeds the scope of practice of the
20 chiropractor or that exceeds the education, training, or experience of the physician
21 assistant.

22 ***-1425/P3.1* SECTION 82.** 446.02 (7s) of the statutes is created to read:

23 446.02 (7s) (a) A chiropractor shall evaluate each patient to determine whether
24 the patient has a condition that is treatable by chiropractic means. An evaluation
25 shall be based on an examination that is appropriate to the patient. In conducting

1 an evaluation, a chiropractor shall utilize chiropractic science, as defined by rule by
2 the examining board, and the principles of education and training of the chiropractic
3 profession. A chiropractor shall discontinue treatment by chiropractic means if, at
4 any time, the chiropractor determines, or reasonably should have determined, that
5 the patient's condition will not respond to further treatment by chiropractic means,
6 except that a chiropractor may provide supportive care to a patient being treated by
7 another health care professional.

8 (b) If a chiropractor determines, or reasonably should have determined, at any
9 time, that a patient has a condition that is not treatable by chiropractic means, or
10 will not respond to further treatment by chiropractic means, the chiropractor shall
11 inform the patient and refer the patient to a physician licensed under subch. II of ch.
12 448. In making a referral under this paragraph, a chiropractor shall do one of the
13 following:

14 1. Make a written referral to the physician that describes the chiropractor's
15 findings, provide a copy of the written referral to the patient, and maintain a copy
16 of the written referral in the patient record under sub. (7m) (a).

17 2. Make an oral referral to the physician or the physician's staff that describes
18 the chiropractor's findings, notify the patient about the referral, make a written
19 record of the referral, including the name of the physician or staff member and date
20 of the referral, and maintain the written record in the patient record under sub. (7m)
21 (a).

22 *-1428/P2.4* SECTION 83. 446.02 (9) (a) of the statutes is amended to read:

23 446.02 (9) (a) A student or graduate of a college or university of chiropractic
24 who practices chiropractic, in a program for the clinical training of students and
25 graduates that is reviewed and approved by the examining board, under the

1 supervision of a chiropractor who is approved by the examining board to supervise
2 the clinical training of the student or graduate and who is licensed under this chapter
3 and is responsible for the student's or graduate's practice in an infirmary, clinic,
4 hospital or private chiropractic office that is connected or associated for training
5 purposes with a college or university of chiropractic approved by the examining
6 board.

7 ***-1428/P2.5* SECTION 84.** 446.025 of the statutes is created to read:

8 **446.025 Continuing education.** (1) The examining board shall specify the
9 minimum number of hours of continuing education courses that, except as provided
10 in s. 446.02 (1) (b), an applicant for renewal of a license under this chapter is required
11 to complete during a 2-year licensure period. Only courses approved by the
12 examining board under sub. (2) may be used to satisfy the hours required. The
13 examining board shall periodically publish updated lists of the courses that are
14 approved under sub. (2).

15 (2) (a) The examining board may not approve a continuing education course
16 unless the organization that sponsors the course satisfies all of the following:

17 1. The organization is the Wisconsin, American, or International Chiropractic
18 Association or its successor, a college or university of chiropractic approved by the
19 examining board, or a college or university of medicine or osteopathy accredited by
20 an accrediting body listed as nationally recognized by the secretary of the federal
21 department of education.

22 2. The organization selects the instructor for the course. If the instructor is a
23 member of the undergraduate or postgraduate faculty of a college or university of
24 chiropractic, the organization shall provide a written statement to the examining
25 board verifying that the instructor has been appointed by the college or university

1 in accordance with the accreditation standards of the Council on Chiropractic
2 Education or its successor.

3 3. The organization establishes the objectives of the course, prepares course
4 materials, evaluates the subject matter prepared by the instructor, conducts a
5 post-course evaluation, maintains course transcripts, and performs financial
6 administration necessary for the course.

7 4. The organization proctors course attendance through the instructor or an
8 officer, director, or employee of the organization.

9 5. The organization provides attendance vouchers to course attendees.

10 6. The organization supplies a list of course attendees to the examining board
11 in a manner prescribed by the examining board.

12 (b) Notwithstanding par. (a), the examining board may approve a continuing
13 education course sponsored by an organization that does not satisfy a requirement
14 under par. (a) 2. to 5. if the organization delegates satisfaction of the requirement to
15 another organization and the other organization satisfies the requirement.

16 (3) If an organization that sponsors a course approved under sub. (2) fails to
17 satisfy any requirement under sub. (2) (a) 2. to 5., the examining board shall, for a
18 period of 2 years, withdraw or withhold approval of all continuing education courses
19 sponsored by the organization. If an organization to whom satisfaction of any
20 requirement under sub. (2) (a) 2. to 5. is delegated under sub. (2) (b) fails to satisfy
21 the requirement, the examining board shall, for a period of 2 years, withdraw or
22 withhold approval of all continuing education courses sponsored by the organization
23 that made the delegation.

24 (4) During each 2-year licensure period, the department shall audit at least
25 25% of the applications for renewal of a license under this chapter to verify that an

1 applicant has completed the continuing education courses identified by the applicant
2 under s. 446.02 (4).

3 ***-1428/P2.6* SECTION 85.** 446.03 (8) of the statutes is created to read:

4 446.03 (8) Has violated this chapter or any rule promulgated under this
5 chapter.

6 ***-1423/P3.71* SECTION 86.** 447.03 (3) (h) of the statutes is amended to read:

7 447.03 (3) (h) A physician ~~or surgeon licensed in this state, as defined in s.~~
8 448.01 (5), who extracts teeth, or operates upon the palate or maxillary bones and
9 investing tissues, or who administers anesthetics, either general or local.

10 ***-1423/P3.72* SECTION 87.** 449.01 (2) of the statutes is amended to read:

11 449.01 (2) DISPENSING OPTICIANS. A dispensing optician is one who practices
12 optical dispensing. The practice of optical dispensing comprises the taking of
13 necessary facial measurements and the processing, fitting and adjusting of
14 mountings, frames, lenses and kindred products in the filling of prescriptions of ~~duly~~
15 ~~licensed~~ physicians or optometrists for ophthalmic lenses. Duplications,
16 replacements or reproductions not requiring optometric service may be done without
17 prescription. Nothing herein contained shall change the responsibility of physician
18 to patient, or optometrist to patient.

19 ***-1423/P3.73* SECTION 88.** 449.01 (5) of the statutes is created to read:

20 449.01 (5) PHYSICIAN. In this chapter, "physician" has the meaning given in s.
21 448.01 (5).

22 ***-1423/P3.74* SECTION 89.** 449.02 (2) of the statutes is amended to read:

23 449.02 (2) This section shall not apply to physicians ~~and surgeons duly licensed~~
24 ~~as such in Wisconsin~~ nor shall this section apply to the sale of spectacles containing
25 simple lenses of a plus power only at an established place of business incidental to

1 other business conducted therein, without advertising other than price marking on
2 the spectacles, if no attempt is made to test the eyes. The term “simple lens” shall
3 not include bifocals.

4 ***-1423/P3.75* SECTION 90.** 450.01 (15m) of the statutes is created to read:

5 450.01 (15m) “Physician” has the meaning given in s. 448.01 (5).

6 ***-1423/P3.76* SECTION 91.** 450.01 (22) of the statutes is amended to read:

7 450.01 (22) “Vaccination protocol” means a written protocol agreed to by a
8 physician, ~~as defined in s. 448.01 (5),~~ and a pharmacist that establishes procedures
9 and record-keeping and reporting requirements for the administration of a vaccine
10 by a pharmacist for a period specified in the protocol that may not exceed 2 years.

11 ***-1423/P3.77* SECTION 92.** 454.01 (14m) of the statutes is created to read:

12 454.01 (14m) “Physician” has the meaning given in s. 448.01 (5).

13 ***-1423/P3.78* SECTION 93.** 454.02 (1) of the statutes is amended to read:

14 454.02 (1) Licenses to practice barbering or cosmetology do not confer the right
15 to diagnose, prescribe for or treat diseases or conditions except as indicated in the
16 definition of barbering or cosmetology in s. 454.01 (5) or under the direction of a
17 licensed and practicing physician.

18 ***-1423/P3.79* SECTION 94.** 459.035 of the statutes is amended to read:

19 **459.035 Medical exam before being fitted.** A hearing aid shall not be fitted
20 for or sold to a child 16 years of age or younger unless within 90 days prior to the
21 fitting the person to be fitted has been examined by a physician, as defined in s.
22 448.01 (5), to determine whether or not he or she has any physical deficiencies that
23 would prohibit the effective use of a hearing aid.

24 ***-1423/P3.80* SECTION 95.** 632.68 (1) (am) of the statutes is created to read:

1 632.68 (1) (am) In this subsection, “physician” has the meaning given in s.
2 448.01 (5).

3 ***-1423/P3.81* SECTION 96.** 632.835 (1) (cm) of the statutes is created to read:
4 632.835 (1) (cm) In this subsection, “physician” has the meaning given in s.
5 448.01 (5).

6 ***-1423/P3.82* SECTION 97.** 632.853 of the statutes is amended to read:
7 **632.853 Coverage of drugs and devices.** A health care plan, as defined in
8 s. 628.36 (2) (a) 1., or a self-insured health plan, as defined in s. 632.85 (1) (c), that
9 provides coverage of only certain specified prescription drugs or devices shall develop
10 a process through which a physician, as defined in s. 448.01 (5), may present medical
11 evidence to obtain an individual patient exception for coverage of a prescription drug
12 or device not routinely covered by the plan. The process shall include timelines for
13 both urgent and nonurgent review.

14 ***-1423/P3.83* SECTION 98.** 632.89 (1) (eg) of the statutes is created to read:
15 632.89 (1) (eg) In this subsection, “physician” has the meaning given in s.
16 448.01 (5).

17 ***-1423/P3.84* SECTION 99.** 765.03 (1) of the statutes is amended to read:
18 765.03 (1) No marriage shall be contracted while either of the parties has a
19 husband or wife living, nor between persons who are nearer of kin than 2nd cousins
20 except that marriage may be contracted between first cousins where the female has
21 attained the age of 55 years or where either party, at the time of application for a
22 marriage license, submits an affidavit signed by a physician, as defined in s. 448.01
23 (5), stating that either party is permanently sterile. Relationship under this section
24 shall be computed by the rule of the civil law, whether the parties to the marriage are
25 of the half or of the whole blood. A marriage may not be contracted if either party

1 has such want of understanding as renders him or her incapable of assenting to
2 marriage.

3 ***-1423/P3.85* SECTION 100.** 767.001 (5m) of the statutes is created to read:

4 767.001 (5m) “Physician” has the meaning given in s. 448.01 (5).

5 ***-1423/P3.86* SECTION 101.** 804.10 (1) of the statutes is renumbered 804.10
6 (1r).

7 ***-1423/P3.87* SECTION 102.** 804.10 (1g) of the statutes is created to read:

8 804.10 (1g) In this section, “physician” has the meaning given in s. 448.01 (5).

9 ***-1423/P3.88* SECTION 103.** 804.10 (3) (a) of the statutes is amended to read:

10 804.10 (3) (a) No evidence obtained by an adverse party by a court-ordered
11 examination under sub. (1) (1r) or inspection under sub. (2) shall be admitted upon
12 the trial by reference or otherwise unless true copies of all reports prepared pursuant
13 to such examination or inspection and received by such adverse party have been
14 delivered to the other party or attorney not later than 10 days after the reports are
15 received by the adverse party. The party claiming damages shall deliver to the
16 adverse party, in return for copies of reports based on court-ordered examination or
17 inspection, a true copy of all reports of each person who has examined or treated the
18 claimant with respect to the injuries for which damages are claimed.

19 ***-1423/P3.89* SECTION 104.** 880.33 (1) of the statutes is amended to read:

20 880.33 (1) Whenever it is proposed to appoint a guardian on the ground of
21 incompetency, a licensed physician, as defined in s. 448.01 (5), or licensed
22 psychologist, or both, shall furnish a written statement concerning the mental
23 condition of the proposed ward, based upon examination. The privilege under s.
24 905.04 shall not apply to this statement. A copy of the statement shall be provided
25 to the proposed ward, guardian ad litem and attorney. Prior to the examination,

1 under this subsection, of a person alleged to be not competent to refuse psychotropic
2 medication under s. 880.07 (1m), the person shall be informed that his or her
3 statements may be used as a basis for a finding of incompetency and an order for
4 protective services, including psychotropic medication. The person shall also be
5 informed that he or she has a right to remain silent and that the examiner is required
6 to report to the court even if the person remains silent. The issuance of such a
7 warning to the person prior to each examination establishes a presumption that the
8 person understands that he or she need not speak to the examiner.

9 ***-1423/P3.90* SECTION 105.** 880.33 (4m) (b) 1. of the statutes is amended to
10 read:

11 880.33 (4m) (b) 1. Order the appropriate county department under s. 46.23,
12 51.42 or 51.437 to develop or furnish, to provide to the ward, and to submit to the
13 court, a treatment plan specifying the protective services, including psychotropic
14 medication as ordered by the treating physician, as defined in s. 448.01 (5), that the
15 proposed ward should receive.

16 ***-1423/P3.91* SECTION 106.** 891.09 (2) of the statutes is amended to read:

17 891.09 (2) CHURCH AND DOCTOR'S RECORDS. Any church, parish or baptismal
18 record, and any record of a physician, as defined in s. 448.01 (5), or a person
19 authorized to solemnize marriages, in which record are preserved the facts relating
20 to any birth, stillbirth, fetal death, marriage or death, including the names of the
21 persons, dates, places and other material facts, may be admitted as prima facie
22 evidence of any fact aforesaid. But such record must be produced by its proper
23 custodian and be supported by the custodian's oath that it is such a record as it
24 purports to be and is genuine to the best of the custodian's knowledge and belief.

25 ***-1423/P3.92* SECTION 107.** 891.40 (1) of the statutes is amended to read:

1 891.40 (1) If, under the supervision of a licensed physician, as defined in s.
2 448.01 (5), and with the consent of her husband, a wife is inseminated artificially
3 with semen donated by a man not her husband, the husband of the mother at the time
4 of the conception of the child shall be the natural father of a child conceived. The
5 husband's consent must be in writing and signed by him and his wife. The physician
6 shall certify their signatures and the date of the insemination, and shall file the
7 husband's consent with the department of health and family services, where it shall
8 be kept confidential and in a sealed file except as provided in s. 46.03 (7) (bm).
9 However, the physician's failure to file the consent form does not affect the legal
10 status of father and child. All papers and records pertaining to the insemination,
11 whether part of the permanent record of a court or of a file held by the supervising
12 physician or elsewhere, may be inspected only upon an order of the court for good
13 cause shown.

14 ***-1423/P3.93* SECTION 108.** 891.40 (2) of the statutes is amended to read:

15 891.40 (2) The donor of semen provided to a licensed physician, as defined in
16 s. 448.01 (5), for use in artificial insemination of a woman other than the donor's wife
17 is not the natural father of a child conceived, bears no liability for the support of the
18 child and has no parental rights with regard to the child.

19 ***-1423/P3.94* SECTION 109.** 938.02 (14g) of the statutes is created to read:

20 938.02 (14g) "Physician" has the meaning given in s. 448.01 (5).

21 ***-1423/P3.95* SECTION 110.** 938.48 (6) of the statutes is amended to read:

22 938.48 (6) Consent to emergency surgery under the direction of a licensed
23 physician ~~or surgeon~~ for any juvenile under its supervision under s. 938.183, 938.34
24 (4h), (4m) or (4n) or 938.357 (4) upon notification by a licensed physician ~~or surgeon~~
25 of the need for such surgery and if reasonable effort, compatible with the nature and

1 time limitation of the emergency, has been made to secure the consent of the
2 juvenile's parent or guardian.

3 ***-1423/P3.96* SECTION 111.** 939.615 (6) (e) of the statutes is amended to read:

4 939.615 (6) (e) A person filing a petition requesting termination of lifetime
5 supervision who is entitled to a hearing under par. (d) 2. shall be examined by a
6 person who is either a physician, as defined in s. 448.01 (5), or a psychologist licensed
7 under ch. 455 and who is approved by the court. The physician or psychologist who
8 conducts an examination under this paragraph shall prepare a report of his or her
9 examination that includes his or her opinion of whether the person petitioning for
10 termination of lifetime supervision is a danger to public. The physician or
11 psychologist shall file the report of his or her examination with the court within 60
12 days after completing the examination, and the court shall provide copies of the
13 report to the person filing the petition and the district attorney who received a copy
14 of the person's petition under par. (c). The contents of the report shall be confidential
15 until the physician or psychologist testifies at a hearing under par. (f). The person
16 petitioning for termination of lifetime supervision shall pay the cost of an
17 examination required under this paragraph.

18 ***-1423/P3.97* SECTION 112.** 940.001 of the statutes is created to read:

19 **940.001 Definition.** In this subchapter, "physician" has the meaning given
20 in s. 448.01 (5).

21 ***-1423/P3.98* SECTION 113.** 941.315 (1) (c) of the statutes is created to read:

22 941.315 (1) (c) "Physician" has the meaning given in s. 448.01 (5).

23 ***-1423/P3.99* SECTION 114.** 948.01 (3o) of the statutes is created to read:

24 948.01 (3o) "Physician" has the meaning given in s. 448.01 (5).

1 ***-1423/P3.100* SECTION 115.** 948.70 (1) (intro.) and (b) of the statutes are
2 consolidated, renumbered 948.70 (1) and amended to read:

3 948.70 (1) In this section: ~~(b) “Tattoo”,~~ “tattoo” means to insert pigment under
4 the surface of the skin of a person, by pricking with a needle or otherwise, so as to
5 produce an indelible mark or figure through the skin.

6 ***-1423/P3.101* SECTION 116.** 948.70 (1) (a) of the statutes is repealed.

7 ***-1423/P3.102* SECTION 117.** 967.02 (2) of the statutes is amended to read:

8 967.02 (2) “Department” means the department of corrections, except as
9 provided in s. 975.001 (1).

10 ***-1423/P3.103* SECTION 118.** 968.255 (3) of the statutes is amended to read:

11 968.255 (3) No person other than a physician, as defined in s. 448.01 (5),
12 physician assistant or registered nurse licensed to practice in this state may conduct
13 a body cavity search.

14 ***-1423/P3.104* SECTION 119.** 971.14 (2) (g) of the statutes is amended to read:

15 971.14 (2) (g) The defendant may be examined for competency purposes at any
16 stage of the competency proceedings by physicians, as defined in s. 448.01 (5), or
17 other experts chosen by the defendant or by the district attorney, who shall be
18 permitted reasonable access to the defendant for purposes of the examination.

19 ***-1423/P3.105* SECTION 120.** 971.14 (5) (am) of the statutes is amended to
20 read:

21 971.14 (5) (am) If the defendant is not subject to a court order determining the
22 defendant to be not competent to refuse medication or treatment for the defendant’s
23 mental condition and if the treatment facility determines that the defendant should
24 be subject to such a court order, the treatment facility may file with the court with
25 notice to the counsel for the defendant, the defendant and the district attorney, a

1 motion for a hearing, under the standard specified in sub. (3) (dm), on whether the
2 defendant is not competent to refuse medication or treatment. A report on which the
3 motion is based shall accompany the motion and notice of motion and shall include
4 a statement signed by a licensed physician, as defined in s. 448.01 (5), that asserts
5 that the defendant needs medication or treatment and that the defendant is not
6 competent to refuse medication or treatment, based on an examination of the
7 defendant by such a licensed physician. Within 10 days after a motion is filed under
8 this paragraph, the court shall, under the procedures and standards specified in sub.
9 (4) (b), determine the defendant's competency to refuse medication or treatment for
10 the defendant's mental condition. At the request of the defendant, the defendant's
11 counsel or the district attorney, the hearing may be postponed, but in no case may
12 the postponed hearing be held more than 20 days after a motion is filed under this
13 paragraph.

14 ***-1423/P3.106* SECTION 121.** 975.001 of the statutes is renumbered 975.001
15 (intro.) and amended to read:

16 **975.001 Definition Definitions.** (intro.) In this chapter, ~~"department"~~:

17 (1) "Department" means the department of health and family services.

18 ***-1423/P3.107* SECTION 122.** 975.001 (2) of the statutes is created to read:

19 975.001 (2) "Physician" has the meaning given in s. 448.01 (5).

20 ***-1423/P3.108* SECTION 123.** 979.001 of the statutes is created to read:

21 **979.001 Definition.** In this section "physician" has the meaning given in s.
22 448.01 (5).

23 ***-1423/P3.109* SECTION 124.** 990.01 (25v) of the statutes is created to read:

24 990.01 (25v) OSTEOPATH. "Osteopath" means a person holding a license or
25 certificate of registration from the medical examining board.

***-1423/P3.110* SECTION 125.** 990.01 (28) of the statutes is amended to read:

990.01 (28) ~~PHYSICIAN, SURGEON OR OSTEOPATH. “Physician,” “surgeon” or~~
~~“osteopath” or “licensed physician”~~ means a person holding a license or certificate of
 registration from the medical examining board or chiropractic examining board.

***-1423/P3.111* SECTION 126.** 990.01 (40m) of the statutes is created to read:

990.01 (40m) SURGEON. "Surgeon" means a person holding a license or certificate of registration from the medical examining board.

***-1428/P2.7* SECTION 127. Initial applicability.**

(1) CONTINUING EDUCATION. If the effective date of this subsection is before January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to chiropractors whose licenses expire on January 1, 2005. If the effective date of this subsection is on or after January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to chiropractors whose licenses expire on January 1, 2007.

(2) DISCIPLINARY ACTIONS. The treatment of section 446.03 (8) of the statutes first applies to violations occurring on the effective date of this subsection.

~~*-1427/P3.2* SECTION 128. Effective date.~~

(1) The treatment of section 446.02 (6m) of the statutes takes effect on the first day of the 7th month beginning after publication.

***-1428/P2.8* SECTION 129. Effective date.**

(1) This act takes effect on the first day of the 2nd month beginning after publication.

(END)

INSERT 38-16

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2381/Plins
MDK:.....

1

INSERT 2A:

This bill makes changes to the regulation of chiropractors regarding all of the following: 1) the definition of the "practice of chiropractic"; 2) patient evaluations, treatments, and referrals; 3) delegations by chiropractors; 4) continuing education requirements; 5) nutritional guidance provided by chiropractors; and 6) statutory references to physicians and chiropractors. These changes are described below.

Definition of the "practice of chiropractic"

SEE INSERT A1 TO INSERT 2A ✓

STET
closed
quote

Patient evaluations, treatments, and referrals

SEE INSERT A2 TO INSERT 2A ✓

Delegations by chiropractors

SEE INSERT A3 TO INSERT 2A ✓

Continuing education

SEE INSERT A4 TO INSERT 2A ✓

Nutritional guidance

SEE INSERT A5 TO INSERT 2A ✓

Statutory references to physicians and chiropractors

SEE INSERT A6 TO INSERT 2A ✓

2

INSERT 21-11:

3

SECTION 1. 441.001 (2q) of the statutes is created to read:

4

441.001 (2q) PHYSICIAN. "Physician" has the meaning given in s. 448.01 (5). ✓

5

INSERT 38-16:

6

SECTION ~~1~~[#] 2. **Effective dates.** This act takes effect on the first day of the 2nd

7

month beginning after publication, except as follows:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2381/1dn

MDR:.....

WLj

PJH

Representative Foti:

This bill incorporates the provisions of all of the following drafts: LRB-1423/P3, LRB-1424/P1, LRB-1425/P3, LRB-1426/P1, LRB-1427/P3, LRB-1428/P2, and LRB-1729/P2. Please refer to the drafter's notes for those drafts.

Note that, unlike LRB-1423/P3, this bill creates a definition for physician that applies throughout ch. 441. Therefore, there is no need to create proposed ss. 441.15 (1) (am) and 441.16 (6).

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